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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.5643 of 2025
and W.M.P.No.6236 of 2025

1.Shantha Vasudevan

2.Latha Thirupathy

... Petitioners

Vs.

1.The District Registrar,
Tiruppur Registrar Office,
Tiruppur District.

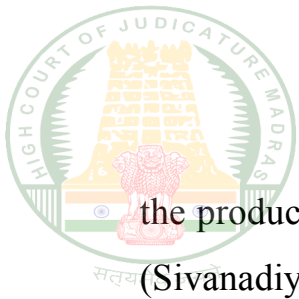
2.T.Ramesh

3.The Tahsildar,
Tarapuram.
Tiruppur District.

... Respondents

(R3 is *suo motu* impleaded vide order dated 24.02.2025 in WP.No.5643 of 2025)

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order Na.Ka.No.1468/Aa1/2024 dated 09/08/ 2024 of the 1st respondent and quash the same as illegal and consequently directing the 1st respondent to register the document presented by the petitioner for registration without insisting for



the production of original parent document in light o the order made by this court in (Sivanadiyan Vs The Sub Registrar) in W.P. (MD) No.19745 of 2020 within the period that may be stipulated by this court.

For Petitioner : Mr.V.Navaneethakrishnan
for Mr.Rajaganapathi

For Respondents : Mr.U.Baranidharan
Special Government Pleader
for R1 and R3

ORDER

The Sub Registrar, Dharapuram, Tiruppur District is *suo motu* impleaded as the 3rd respondent in this writ petition.

2.This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 09.08.2024 and for a consequential direction to the 1st respondent to register the Settlement Deed that has been executed by the petitioners in favour of their daughter.

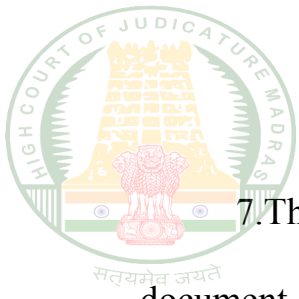
3.Heard Mr.V.Navaneethakrishnan, learned counsel appearing on behalf of the petitioners and Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of respondents.



4. The specific case of the petitioners is that they have 1/4th share in the subject property and they wanted to settle the same in favour of their daughter. When the Settlement Deed was presented for registration before the impleaded 3rd respondent, it was refused to be received. Hence, an application was submitted before the 1st respondent on 19.03.2024. The 1st respondent has rejected the application on the ground that the petitioners have only 1/4th share in the subject property and the suit was partition is pending. The second ground is that the original title document was not produced at the time of registration.

5. Insofar as the first ground is concerned, mere pendency of the partition suit cannot be a ground to refuse to register the Settlement Deed since, the petitioners are only settling their 1/4th share in the entire property. Therefore, the settlee will get into the shoes of the settlor to seek for that 1/4th share in the partition suit that is pending.

6. The second ground is that the original title document was not produced at the time of registration. It is stated that the original title document is in the possession of the brother who is the 2nd respondent in this writ petition and he is refusing to produce the original title document.



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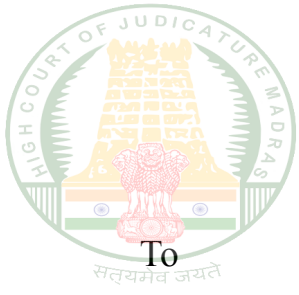
7. This Court has repeatedly held that the production of the original title document cannot be a condition precedent for registering the document. Hence, the petitioners who have specifically taken a stand to the effect that the original title document is with the 2nd respondent and he is refusing to produce the same, can file a sworn affidavit to that effect along with the Settlement Deed. In such an event, the Settlement Deed that is presented for registration can be registered, if it is otherwise in order.

8. In the result, this writ petition stands allowed with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

24.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

(2/2)



To

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1.The District Registrar,
Tiruppur Registrar Office,
Tiruppur District.

2.The Tahsildar,
Tarapuram.



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N. ANAND VENKATESH, J.

SSR

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